

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PAUL PHILLIPS, et. al.,

**DECLARATION OF MARK  
D. ZUCKERMAN**  
Plaintiffs,

-against-

THE CITY OF NEW YORK, et. al.,

**21 CV 8149 (ALC)(SLC)**

Defendants.  
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**MARK D. ZUCKERMAN**, an attorney duly admitted to practice in the State of New York and the Southern District of New York, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am a Senior Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for defendants City of New York, Michael Prilook, Edward Horton, Gabriel Montalvo, Dr. Aung Oo, Krystalbella Murnane-Victorelli, Dr. David Rosenberg, Dr. Jasdeep Mangat, Terry Gravesande, Mireille Zamy, Terra Hailand, Christopher Johnson and Roman Maslovskiy. As such, I am familiar with the facts stated below and submit this declaration to place the relevant information and documents on the record in further support of defendants' motion to dismiss pursuant to Rules 12(b)(1) and 12(b)(6), Fed. R. Civ. P. and motion to strike plaintiffs' class allegations pursuant to Rule 12(f), Fed. R. Civ. P.

2. Annexed hereto as Exhibit A is a true and exact copy of a bench warrant for plaintiff Paul Phillips.

3. Annexed hereto as Exhibit B is a true and exact copy of the NYPD Command Log entry for Paul Phillips, dated July 3, 2020.

4. Annexed hereto as Exhibit C is a true and exact copy of the NYPD arrest report for plaintiff Khaori Wright for his arrest of March 18, 2000.

5. Annexed hereto as Exhibit D is a true and exact copy of the NYPD's OLPA report for Khaori Wright's arrest of March 18, 2000.

6. Annexed hereto as Exhibit E is a true and exact copy of an arrest warrant for Khaori Wright.

7. Annexed hereto as Exhibit F is a true and exact copy of a DOC movement history for Khaori Wright.

8. Annexed hereto as Exhibit G is a true and exact copy of the NYPD arrest report for plaintiff Randy Rosario for his arrest of November 11, 2020.

9. Annexed hereto as Exhibit H is a true and exact copy of an arrest warrant for Randy Rosario.

10. Annexed hereto as Exhibit I is a true and exact copy of the NYPD's OLPA report for Randy Rosario's arrest of November 11, 2020.

11. Annexed hereto as Exhibit J is a true and exact copy of a DOC movement history for Randy Rosario.

12. Annexed hereto as Exhibit K is a true and exact copy of the NYPD arrest report for plaintiff Kylasia Thompson for her arrest of November 21, 2019.

13. Annexed hereto as Exhibit L is a true and exact copy of an NYPD Complaint Follow up report for Kylasia Thompson's arrest of November 21, 2019.

14. Annexed hereto as Exhibit M is a true and exact copy of the NYPD's OLPA report for Kylasia Thompson's arrest of November 11, 2020.

15. Annexed hereto as Exhibit N is a true and exact copy of a bench warrant for plaintiff Kylasia Thompson.

16. Annexed hereto as Exhibit O is a true and exact copy of a DOC movement history for Kylasia Thompson.

17. Annexed hereto as Exhibit P is a true and exact copy of the NYPD's Patrol Guide Section 208-42, incorporated by reference in plaintiffs' Third Amended Complaint.

18. Annexed hereto as Exhibit Q is a true and exact copy of the DOC's Operations Order 6/92 which has been in effect during the relevant periods set forth in plaintiffs' Third Amended Complaint.

19. Annexed hereto as Exhibit R is a true and exact copy of the plaintiff Paul Phillips's Notice of Claim.

20. At the time that services were rendered to plaintiff Paul Phillips, the defendants Krystalbella Murnane-Victorelli, Dr. Jasdeep Mangat, Dr. David Rosenberg, Roman Maslovskiy and Christopher Johnson were employees of NYC Health and Hospital Corporation Correctional Health Services.

21. At the time that services were rendered to plaintiff Paul Phillips, the defendants Terry Gravesande, Dr. Aung Oo, Terra Hailand and Mireille Zamy were PAGNY employees.

Dated: New York, New York  
December 22, 2023

/s/ Mark D. Zuckerman  
Mark D. Zuckerman

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